

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

NANCY DARBY,

Plaintiff,

Case No. 15-cv-14015
Hon. Matthew F. Leitman

v.

HENRY FORD HOSPITAL,

Defendant.

ORDER DENYING PLAINTIFF’S REQUEST FOR COUNSEL (ECF #5)

On November 16, 2015, Plaintiff Nancy Darby (“Darby”) filed her Complaint against Defendant Henry Ford Hospital (the “Hospital”). Darby alleges that she is the victim of workplace discrimination due to a disability. (*See* Compl., ECF #1 at 2, Pg. ID 2.) Darby also filed a Request for Appointment of Counsel (the “Request”) with her Complaint. (*See* ECF #5 at 1, Pg. ID 13.) In the Request, Darby stated that she has experienced family health emergencies that have prevented her from obtaining legal counsel. (*See id.*) Darby also stated “I know that I can’t speak as an attorney for myself.” (*Id.*)

Under 28 U.S.C. § 1915(e)(1), the Court is permitted to “request an attorney to represent any person unable to afford counsel.” However, there is no constitutional or statutory right to an appointed counsel in a civil action. Indeed, the United States Court of Appeals for the Sixth Circuit has determined that the

appointment of counsel in a civil matter “is a privilege that is justified only by exceptional circumstances.” *Lavado v. Keohane*, 992 F.2d 601, 605-06 (6th Cir. 1993). To determine whether exceptional circumstances exist, a district court is to examine “the type of case and the ability of the plaintiff to represent himself. This generally involves a determination of the complexity of the factual and legal issues” *Id.*

At this time, the Court concludes that Darby has failed to establish that exceptional circumstances warrant the appointment of counsel. Although Darby is not confident in her ability to represent herself, it does not appear that the issues raised in her complaint are particularly complex. The Court suggests that Darby seek representation on a contingency-fee basis by an attorney who handles similar cases on behalf of plaintiffs. Accordingly, Darby’s Request is **DENIED** at this time.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: February 18, 2016

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on February 18, 2016, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

(313) 234-5113